## REMARKS

The specification has been amended to correct obvious typographical errors.

To expedite prosecution, Claim 1 has been amended to incorporate the features of Claim 5 and the allowable subject matter of Claim 2. Accordingly, Claims 2, 5 have been canceled without prejudice.

Claims 3, 4, 6-9, 12 have been amended to depend from Claim 1 and/or for consistency with the amendment of Claim 1.

Claim 21 has been amended to incorporate features of Claim 25, which accordingly has been canceled without prejudice. Claim 24 has been amended for consistency with the amendment of Claim 21.

Claim 26 has been amended similarly to Claim 21. Further support for the amendment of Claim 26 appears in the specification at least at page 29, lines 30-36.

The headings below are numbered to correspond with the heading numbering used by the Examiner in the Office Action.

Request for Examiner Interview.

Should the Examiner be of the opinion that this Amendment does not place the application in a condition for allowance, Applicants respectfully request an Examiner Interview prior to the issuance of the next communication from the USPTO to expedite prosecution.

5. Claims 1, 11, 15, 19-22, 24, 26 satisfy 35 U.S.C. § 101.

The Examiner states:

> The "determining whether said call … " per se does not produce a tangible result. (Office Action, page 2.)

To expedite prosecution, Claim 1 has been amended to incorporate features of Claim 5 and now recites:

> A method comprising:
>
> stalling a call to a critical operating system (OS) function;
>
> determining whether branch trace records of said call include a return instruction comprising:
>
> locating a most recent branch trace record of said branch trace records;
>
> searching said branch trace records from said most recent branch trace record to locate a user to kernel branch trace record of said branch trace records; and
>
> searching previous branch trace records previous to said user to kernel branch trace record for said return instruction; and
>
> **taking protective action to protect a computer system** upon a determination that said branch trace records include said return instruction. (Emphasis added.)

Accordingly, Claim 1 satisfies 35 U.S.C. § 101. Claims 11, 15, 19-20, which depend from Claim 1, satisfy 35 U.S.C. § 101 for at least the same reasons as Claim 1.

Claims 21, 26 satisfy 35 U.S.C. § 101 for reasons similar to Claim 1. Claims 22, 24, which depend from Claim 21, satisfy 35 U.S.C. § 101 for at least the same reasons as Claim 21.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

6. <u>Claim 26 satisfies 35 U.S.C. § 101.</u>

The Examiner states:

> The phrase "A computer program product comprising" is not necessarily embodied software on computer readable media (subject to inclusion of said subject matter in the specification) corresponding to a method of said embodied software. (Office Action, page 2.)

To expedite prosecution, Claim 26 has been amended and now recites:

> A computer program product **comprising a tangible computer readable medium containing computer program code** comprising:

> a Return-to-LIBC attack detection application for recording branch trace records;
>
> said Return-to-LIBC attack detection application further for stalling a call to a critical operating system (OS) function;
>
> said Return-to-LIBC attack detection application further for suspending recording of said branch trace records;
>
> said Return-to-LIBC attack detection application further for locating a most recent branch trace record of said branch trace records;
>
> said Return-to-LIBC attack detection application further for searching said branch trace records from said most recent branch trace record to locate a user to kernel branch trace record of said branch trace records; and
>
> said Return-to-LIBC attack detection application further for determining whether previous branch trace records previous to said user to kernel branch trace record include only call, jump, or interrupt instructions, wherein upon a determination that at least one of said previous branch trace records includes a return instruction, said Return-to-LIBC attack detection application further for taking protective action to protect a computer system. (Emphasis added.)

Accordingly, Claim 26 satisfies 35 U.S.C. § 101.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

<u>7-24) Claims 1, 6-20 are novel over Baratloo.</u>

Claim 1 has been amended to incorporate the allowable subject matter of Claim 2. Accordingly, Claim 1 is allowable over Baratloo. Claims 6-20, which depend from Claim 1, are allowable for at least the same reasons as Claim 1.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

<u>25-35) Allowable subject matter.</u>

Claims 21-24, 26 are allowed.

Claim 1 has been amended to incorporate the allowable subject matter of Claim 2. Accordingly, Claim 1 is allowable.

Claims 3-4, which depend from Claim 1, are allowable for at least the same reasons as Claim 1.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the objection to Claims 3-4.

## Conclusion

Claims 1, 3-4, 6-24, 26 are pending in the application. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicants.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 17, 2007.

Attorney for Applicants

May 17, 2007
Date of Signature

Respectfully submitted,

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